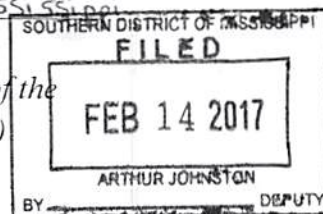


IN THE UNITED STATES DISTRICT COURT
FOR THE Southern DISTRICT OF Mississippi
Northern DIVISION

(Write the District and Division, if any, of the
court in which the complaint is filed.)



CHARLES E. BATES

(Write the full name of each plaintiff who is filing
this complaint. If the names of all the plaintiffs
cannot fit in the space above, please write "see
attached" in the space and attach an additional
page with the full list of names.)

-against-

Mississippi Dept of Corrections Et. al.

Centurion of Mississippi et. al.

Marshall Fisher see attached

(Write the full name of each defendant who is
being sued. If the names of all the defendants
cannot fit in the space above, please write "see
attached" in the space and attach an additional
page with the full list of names. Do not include
addresses here.)

**Complaint for Violation of Civil
Rights**

(Prisoner Complaint)

Case No. 3:17cv 19-DJ-FKB

(to be filled in by the Clerk's Office)

Jury Trial: ☒ Yes ☐ No
(check one)

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed *in forma pauperis*.

Table of Contents

Page :	1	Caption
Pages :	2 thru 6	List of Defendants
Pages :	6 thru 11	Basis of Jurisdiction
Pages :	12 thru 28	Statement of Claims
Pages :	29 thru 30	Injuries sustained / Relief sought
Pages :	31 thru 45	Exhaustion of Administrative Remedies
		Administrative Procedures
Pages :	46 thru 47	Previous Lawsuits
Pages :	48 thru 49	Certification and Closing
Pages :	50 thru 52	Financial Statement

Dr. Gloria Perry

Ron King

Brian Ladner

Dr. John Doe

officer Brown

Nurse Jane Doe

Nurse Oliphant

I. The Parties to This Complaint**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name CHARLES E. BATES
 All other names by which you have been known:

 ID Number 112301
 Current Institution Central Mississippi Correctional Facility
 Address P.O. Box 88550
Pearl, MS. 39288

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. Make sure that the defendant(s) listed below are identical to those contained in the above caption. For an individual defendant, include the person's job or title (if known) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name Mississippi Dept. of Corrections, Et. Al.
 Job or Title
 (if known) _____
 Shield Number _____
 Employer _____
 Address 633 N. State St.
Jackson, MS. 39202
☐ Individual capacity ☒ Official capacity

Defendant No. 2

Name Centurion of Mississippi Inc., Et. al.

Job or Title

Shield Number

Employer

Address

111 Capital St. Suite 440
Jackson, MS. 39201

☐ Individual capacity

☒ Official capacity

Defendant No. 3

Name

Marshall Fisher

Job or Title

ex - commissioner of the
Mississippi Dept. of Corrections

Shield Number

Employer

Address

Mississippi Highway Safety Patrol

#

Jackson, MS. 39202

☐ Individual capacity

☒ Official capacity

Defendant No. 4

Name

Dr. Gloria Perry

Job or Title

Medical Director for the
Mississippi Dept. of Corrections

Shield Number

Employer

Address

Mississippi Dept. of Corrections

633 N. State St.

Jackson, MS. 39202

☐ Individual capacity

☒ Official capacity

Defendant No. 5

Name

Ron King

Job or Title

Superintendent of Central
Mississippi Correctional Facility

Shield Number

Employer Mississippi Dept. of Corrections

Address 3794 Highway 468 W.
Pearl, Ms. 39208

☐ Individual capacity ☒ Official capacity

Defendant No. 6

Name Brian Ladner

Job or Title Warden at Central Mississippi
Correctional Facility

Shield Number

Employer Mississippi Dept. of Corrections

Address 3794 Highway 468 W
Pearl, Ms. 39208

☐ Individual capacity ☒ Official capacity

☒ Defendant No. 7

Name Dr. "John Doe"

Job or Title Physician at Parchman

Shield Number

Employer Centurion of Mississippi

Address U.S. Highway 49E
Parchman, MS 38738

☒ Individual capacity ☒ Official capacity

Defendant # 8

Name Officer Brown

Job or Title correctional officer with the
Mississippi Dept. of Corrections

Shield Number

Employer Mississippi Dept. of Corrections

Address 3794 Highway 468 W
Pearl, MS, 39208

☒ Individual capacity ☒ Official capacity

Defendant No. 9

Name nurse "Jane Doe"
Job or Title Clinical nurse at CMCF

Shield Number

Employer Centurion of Mississippi
Address 3794 Highway 468 W
Pearl, Ms. 39208

☒ Individual capacity ☒ Official capacity

Defendant No. 10

Name nurse Oliphant
Job or Title clinical nurse at CMCF

Shield Number

Employer
Address 3794 Highway 468 W
Pearl, Ms. 39208

☒ Individual capacity ☒ Official capacity

II Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state and local officials for the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." Under *Bivens -v- Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (*check all that apply*):

- ☐ Federal officials (a *Bivens* claim)
☒ State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

U.S. Constitution; Amendment #1 See
U.S. Constitution; Amendment #6 Continuation
U.S. Constitution; Amendment #8 Next Page

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

N/A

D. Section 1983 allows defendants to be found liable only when they have acted “under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia.” 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

Claim #1 October 2, 2009
① The tower officer causing excessively long, unnecessary
continued on page #

III. Prisoner Status

Indicate whether you are a prisoner or other confined person as follows (*check all that apply*):

- ☐ Pretrial detainee
☐ Civilly committed detainee
☐ Immigration detainee

Continuation of Section 2 Part B

U.S. Constitution; Amendment 14
deliberate indifference
The Civil Rights Act of 1964
Conspiracy to cause bodily harm
crimes against humanity
obstruction of Justice

Continuation of part II Basis for Jurisdiction : Part D

delays in receiving medical treatment when it was life threatening

② Captain Leon Shields denying me access to medical treatment because of a race issue.

③ The medical personnel causing excessively long, unnecessary delay in receiving medical treatment when it was life-threatening because of the time it took an inmate to come get me and also when I did arrive at the clinic at C.M.C.F., there was no medical personnel around for over an hour.

Claim # 2 on or about the 24th of Oct. 2010

The nurse in the clinic at C.M.C.F. refused me medical treatment because of a blood clot that went into my left arm, causing an embolism.

Claim #3 June of 2014

The nurse working in the clinic at C.M.C.F. denying and refusing me medical treatment or access to medical treatment when I was having a heart attack.

Claim # 4

Doctor at Unit 42 at Parchman denying me medical treatment because of a very serious coronary condition. (cardiac arrhythmia or more specific ventricular tachycardia.)

Claim # 5

I had a heart attack and was transported to unit 42 at parchman and three hours later I was carried back to

the housing unit without even being checked out by any medical personnel.

Claim # 6 Oct. 6, 2015

- ① The doctor at unit 42 at Parchman refused to acknowledge the fact that I was having a heart attack and refused me medical treatment
- ② This same doctor also caused excessively long, unnecessary delays in receiving medical treatment.
- ③ This same doctor caused additional delay in receiving medical treatment when I arrived at Merit Health Central Hospital because of the fact that he had called the Emergency Room and informed the medical personnel that I was faking everything.

Claim # 7 Oct. 10, 2015

I was having a heart attack and was deliberately refused access to medical treatment by officer Brown with M.D.O.C.

Claim # 8 Oct. 24, 2015

The nurse working in the clinic deliberately refused me medical treatment when I told her about me having a heart attack.

Claim # 9 January 6, 2016

- ① The nurse working in the clinic causing excessively long delay in receiving medical treatment when I was having a heart attack.

- ② M.D.O.C. refused to authorize an upgrade to my pacemaker causing inadequate medical treatment,
- ③ When I was returned to C.M.C.F., I was placed in the infirmary and the nurse would not let me have my medication by saying that "they could not find my property."

Claim #10 January 23, 2016

- ① On the morning of Jan. 23rd I had a heart attack and I was refused medical treatment by Nurse Oliphant
- ② When my condition started getting worse nurse Oliphant refused to let me have my medication and she did not and would not call the doctor on call about my condition and flat out refused to do so,
- ③ When my defibrillator started firing, instead of receiving any medical treatment, the nurses sent the officer with M.D.O.C. to lock me up in the room that I was in and she then went back up front to the clinic,
- ④ About 3 hours later nurse Oliphant came to the room that I was locked up in and came in, and I asked her about calling the doctor and about calling an ambulance, and she informed me that "she drove the ambulance around here and for me not to worry about it." Denying me access to medical treatment. She checked my heart rate and my blood pressure and both were extremely high. Again she refused me medical treatment.
- ⑤ When Dr. Stokes did arrive at C.M.C.F. none of the nurses, including nurse Oliphant, did not inform him as to my condition. until several hours later, denying me access to medical treatment when it was life-threatening.

- ☒ Convicted and sentenced state prisoner
- ☐ Convicted and sentenced federal prisoner
- ☐ Other (explain) _____

IV. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. If the events giving rise to your claim arose outside an institution, describe where and when they arose.

N/A

- B. If the events giving rise to your claim arose in an institution, describe where and when they arose.

See attached statement of claims, next page

- C. What date and approximate time did the events giving rise to your claim(s) occur?

See attached statement of claims, next page

- D. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)

See attached statement of claims, next page

Claim #1

On the morning of October 2ND 2009, I was attacked by a group of gang members in building A-2, at C.M.C.F. The leader of this group went so far as to start hitting me with a broom-stick. The result of this unprovoked attack caused me to have an accute myocardial infarction (massive heart attack). These gang members would not let me get to the tower to get help. After about 30 minutes I made it up to the tower and informed the officer about me having a heart attack, and she did not do anything. I kept going up to the window every few minutes, telling her about my condition until she finally called Capt. Leon Shields. When Capt. Shields arrived, he went straight to the tower and about 10 minutes later he came out and I was at the door trying to tell him that I was having a heart attack and that I needed to get to the clinic. All he did was make a racial comment and then he left the building. I then started going to the tower window, telling the officer that I needed to get to the clinic until she finally called and had someone to come get me. After about 3 hours or so, I finally got to the clinic. When I got over there, there were no medical personnel around. I sat in the hallway for over an hour until a nurse came in from out back and I stopped her and informed her that I was having an M.I. She went and sat down at her desk and started doing paperwork and about 20 minutes later she looked down the hall and seen that I was still sitting there. She then finished up what she was doing and then came and went into the emergency room and I followed her in there. She then ran an E.K.G. on me and looked at it and said out loud, "My God, this doesn't look good." She then ran out of the room, and about a minute later she was back saying, "The doctor said to get you out of here now....."

to transport you immediately." She then called for me an ambulance.

When the ambulance arrived I was transported to Central Miss. Medical Center. Upon arriving the E.R. technician ran an E.K.G on me and took it to the E.R. physician. Less than 5 minutes later the staff was running down the hall with me to get me into the heart cath lab. Later I was admitted to the Intensive Coronary care unit.

The next morning, Dr. Carl Payment came into the I.C.U. sounding pretty upset, saying, "You reported this at 5:40 and it was 11:30 before you arrived at this hospital, ... What took those xxxx people that long to get you into this hospital. He also said that because of this delay that there was extensive damage done to my heart.

Claim No. 2

In Sept. of 2010 I was admitted to the hospital to determine the condition of my heart. After undergoing a heart stress test and a nuclear scan, it was determined that my heart was only 24% efficient. Dr. Abdul Bahro then scheduled me to have a pacemaker implanted because of all the damage to my heart.

In October of 2010, I was admitted to the hospital to have an I.C.D. (implanted cardioverter defibrillator), a pacemaker and defibrillator combination implanted.

About 3 weeks later I had a blood clot go into my left arm and caused a deep vein embolism. My left arm turned a deep crimson color and doubled in size. I went over to the clinic and the nurse said that she didn't know what was wrong with me and that she didn't know what to do. Instead of receiving any medical treatment for this condition, I was sent back to the housing unit.

Claim No. 3

In June of 2014, I was jumped on by another inmate, which caused me to have another heart attack. When I got over to the clinic the nurse ran several EKG's on me, but still did not want to accept the fact that I was having a heart attack. After about 3 hours I would not leave the clinic and the nurse had Capt. Mitchell come in there. When he arrived I told him what was going on and he had the nurse call for me an ambulance. I was admitted because of having a heart attack.

On this hospital stay, I underwent another heart stress test and nuclear scan. It was determined that my heart was down to 10% efficient.

Claim # 4

In Sept. of 2015, I was housed at the Miss. State Penitentiary at Parchman and suffered another heart attack. About 2½ hours later I was transported to unit 42, which is the "hospital" at parchman. When the technician checked my vital signs, my heart rate and blood pressure were both extremely high and my temperature would not even register.

The nurse there ran an EKG on me and the doctor there said that I was not having a heart attack. He also said that my E.K.G. looked "pretty ugly" and that my heart was in arrhythmia (ventricular tachycardia.) He also made the comment that, "that was normal for me. After about another 30 to 45 minutes my heart rate started to slow down, and when it got down to 100 beats per minute, I was sent back to the housing unit; not receiving any medical treatment for this condition.

gave me a very strange look because of what I had said, but he went on back to the tower. The heart attack that I was having was pretty severe. I sat on my bed for quite some time and I finally laid down on my bed. About 30 to 45 minutes later, I asked another inmate to go get me a cup of water, so I could take an aspirin, because I had not taken one. When he got back with the water, I sat up and took an aspirin. I started feeling real faint so I sat my cup down on the floor and then I started to lay back down. That is the last thing that I remember, because I lost consciousness. I don't know how long I was out, but when I came to, I was laying on my bed and another inmate was over me, shaking me, and asking me if I was all right. When I regained my senses, I sat up and the inmate on the bed next to me told me what had happened. He told me that I was out and he said that I was totally out. He said that my whole body started shaking and then my body started jerking. While he was telling me what all had happened to me, the ambulance finally arrived. The EMT and the Captain of the building came in and when they seen me sitting up, they started saying, "he's not having a heart attack and also saying that "there was not a ~~damn~~ thing wrong with me." I tried telling them that I did have a heart attack and that I was still having a heart attack. They were still saying that nothing was wrong with me. I eventually told them that I had taken some nitro-stat. They both started criticizing me for taking that medication, telling me that was what was wrong with me. They kept saying that, "there wasn't a ~~damn~~ thing wrong with me."

They finally loaded me up into the ambulance and took me over to unit 42. When we arrived at their hospital, I was

taken into the emergency room, where a doctor and a nurse was waiting. When I started to get on the gurney in the E.R. I felt my heart start "flip-flopping" in my chest, and the internal defibrillator that I had, fired. The doctor made the comment, "Oh, his defibrillator went off," I went ahead and got on the gurney, and was sitting up, and was taking my shirt off, so they could run an E.K.G. on me. The next statement the doctor made was, "He's not having a heart attack, there's nothing wrong with him. I laid down, and the nurse started attaching the leads to me to run an E.K.G. and the doctor put an I.V. line into a vein on my left hand and obtained a blood sample. The doctor left the room with the sample so he could run their "tripōn" test to determine if I was having a heart attack. The nurse ran the E.K.G. and the doctor came back in the room with an attitude, saying that the tripōn test was negative. He then looked at the E.K.G. strip for a second, then threw it down on the counter. He said, "that something was wrong but, I can't tell if it is from some old damage or if it is something that is going on now." He also said "that because the "tripōn" test showed negative, that there was nothing wrong with me, that I was not having a heart attack, nor did I have a heart attack." He and the nurse left out of the room; just left me laying on the gurney, not doing anything else for me.

About 2 hours later, the nurse came into the room where I was, to go to the supply room. I told her that I was still hurting. She stopped and looked at me for a second then went on to the supply room and got whatever she was after, and then left. After about another hour and a half another doctor came into the emergency room where I was at and he was looking at some paperwork, and the first,

doctor, the one that ran the "tripōn" test came in and started telling the other doctor that I was not having a heart attack, because the "tripōn" test came back negative. He went on to say that I was faking everything, that there was nothing wrong with me. After that doctor left the room, I told the other doctor what all was going on, and I told him that I was still hurting in my chest. The "new" doctor left out of the room, again leaving me by myself. About 30 minutes later, the pain in my chest finally eased off. When the doctor came back into the room, I told him that the pain had finally subsided. He was still looking at my E.K.G., and then he came over to my side and said that he could either send me back to the housing unit or he could send me to the hospital for a heart cath. I then went on to explain the symptoms that I had had that morning, and I told him about the heart attack that I had back in 2014. I told him that the symptoms were identical; that the hospital had diagnosed it as a myocardial infarction. He then chose to send me to the hospital.

About 45 minutes later, a M.D.O.C. van showed up to make an "emergency medical run." After the transport officers arrived, it took about another half hour before they put me in their van. Then they had to go to each others cars, getting things out. Then they had to go and gas up the van, then they went to the administration building, and they took turns going in for whatever, I don't know what. Then finally after about another hour, we finally got on the road.

When we arrived at the emergency room at Merit Health Central Hospital in Jackson, we went into the emergency room, and the E.R. nurse, a male R.N., started in on me about nothing being wrong with me. He was criticizing me about taking some nitro-stat because I was faking everything, because the doctor that was up at Parchman, had

called them, telling them that I was faking everything and that nothing was wrong with me. The male nurse and I argued about this for several minutes; until I was eventually taken into an examination room, and the hospital staff ran an E.K.G. on me, and also drew some blood samples to test for cardiac enzymes. When the results of those test came back, they showed that my cardiac enzymes were elevated. After that the hospital staff had a change of attitude. The R.N. that was so extremely rude with me, told me that one test had to show at least a .8 on the scale, to indicate a heart attack. He said that my test showed 1.2 on the scale, well above the .8 level. He also made the statement that I was supposed to have been transported in an ambulance. I told him that I knew that. I stayed in the hospital emergency room and 4 hours later, the nurse obtained another blood sample for a coronary enzyme test. The test came back with an even higher level than the previous test; double confirming that I did in fact had had a myocardial infarction. I was then admitted to the intensive coronary care unit of Merit Health Central Hospital. On the 9th of October, I was discharged from the hospital and transported to Central Mississippi Correctional Facility.

Claim # 7

On the 10th of October 2015, I was called to the clinic for a follow up from being discharged from the hospital. When I got up to the clinic, I seen that I would be waiting for a while before being seen. I asked the officer (officer Brown) about going to eat, and she granted me permission to go to the dining hall. When I got over to the dining hall, I started having another heart attack. I went back to the clinic and went in and started telling officer

Brown that I was having a heart attack and that I needed medical attention. She started cursing at me and told me to get out of there. I, again stressed the fact that I was having a heart attack and that I needed help. She again started cursing me and told me "to get my G.d. ~~axx~~ back in that holding tank and when I am ready for you, I will send for you; now get the ~~hxx~~ out of here, thank you." I then went back out to the holding cell and sat down on the bench. A few minutes later, I started feeling real faint, so I laid down on the floor. The other inmates that was in the holding cell with me seen that I was in distress and whenever officer Brown came to the holding area to call for the next person in line to be seen, the other inmates even tried to tell officer Brown that I needed help. She totally ignored their pleas to try to get me help. About an hour later, the pain finally subsided and I got back up and sat back down on the bench. When I did get to see the nurse practitioner (Mrs. Barbara Tapps), I informed her that I was out in the holding cell, laying on the floor, having a heart attack for over an hour. She did not even respond to anything that I had said nor did I ever receive any medical attention. I did not ever receive a follow-up because of this coronary episode.

Claim # 8

On the morning of October 24th 2015, I again, had another heart attack, and I went to the tower in B-1 building at C.M.C.F. and informed the officer. She called the clinic to inform the nurse. The officer then said that the nurse wanted to know, how did I know that I was having a heart attack? I told her that I have had quite a few heart attacks, and that I very well knew when

I was having a myocardial infarction. The officer hung up the phone and told me to go over to the clinic. When I got over to the administration building, where the clinic is located, the officer in the tower said that I could not go to the clinic; not until after shift change. I explained to her that I was having a heart attack and that the nurse had said for me to come to the clinic. She then let me through the gate. When I went into the clinic, the officer and the nurse wanted to know what I was doing there, and they both told me that the clinic was closed until after shift change, which was another hour or so later. I told her about me having a heart attack and they had they had said for me to come to the clinic. The nurse finally acknowledged that and said, "Oh yea, I did tell them to have you to come up here". I then sat down at the nurses desk and was telling the nurse what was going on with me and she told me that their E.K.G. machine was broken and that there wasn't anything they could do for me. She did start asking the usual questions and put all my information in the computer. She then checked my vital signs, my blood pressure was 220/110 and my pulse rate was 130. I asked her about my blood pressure being so high along with my pulse rate and she responded by saying, "that was because I had just walked over there." She then tried to get my temperature, sublingual, but the thermometer would not register a temp. She tried several times until she finally left the thermometer under my tongue for about 30 minutes. It finally registered a temp. All this was because my heart was in ventricular tachycardia, which I had tried to explain to her. She then told me to go and sit in another chair because there was nothing they could do for me until after shift change. I went and sat down in a chair that was in the hallway. A few minutes later I started feeling real faint and I got down on the floor and laid down. I was still there when the next

Shift started coming into the clinic. The first nurse that came in asked the nurse that was there, "Why is that man laying on the floor, over there. She responded by saying, "There is nothing wrong with him, he's just laying over there for no reason."

I laid on the floor for about another 30 to 45 minutes, until I started feeling better, then I got up and sat back down in the chair. About 15 to 20 minutes later, I felt O.K. and I got up and went back to the building, not receiving any medical treatment.

Claim # 9

On the morning of January 6, 2016, I again had another heart attack. I got another inmate to carry me to the clinic in a wheelchair. When I got to the clinic the nurse put all my information into the computer. Then she started getting my vital signs. My pulse rate was 130, my blood pressure was extremely high and when she tried to get my temperature it would not register. This was the same nurse that was in the clinic on the 24th of October 2015. She again tried to tell me this was because I had just walked over there. I told her that another inmate brought me in this wheelchair I am sitting in, that I did not walk over there. She then took me into the emergency room and ran an E.K.G. on me. It showed an abnormal heart rhythm and that my heart was in Ventricular tachycardia, and I don't know what all else. The nurse again told me that nothing was wrong with me. She even went and found another E.K.G. strip and said that the 2 strips were identical. I told her that if that was one of my E.K.G. strips that it was probably showing, that I was having a heart attack. She eventually took the E.K.G. strip to the nurse practitioner, Mrs. Harrell. Mrs. Harrell came into the room where I was and checked me out, and

seeing that I was having a heart attack, she had the other nurse call for an ambulance. I was transported to Merit Health Central Hospital and admitted for this coronary event.

During this hospital stay, Dr. Abdul Bahro, wanted to do an upgrade on my pacemaker, but M.D.O.C. would not approve it. I was in the hospital for a week and M.D.O.C. still would not approve an upgrade. I was discharged from the hospital on the 12th of January and returned to C.M.C.F.

When I arrived back at C.M.C.F., I was called in to see Mrs. Harrell, and she informed me that I was going to be placed in the infirmary. I asked her why and she replied that whenever I have another heart attack, that I was going to be there so they could take care of me. I started telling her that I did not want to be placed in the infirmary and she, all of a sudden jumped out of her chair and went out in the hallway, telling the M.D.O.C. guard about me not wanting to go into the infirmary, and I was practically forced into Room #6 in the infirmary and left there.

Later that evening, after shift change, the nurse came and I asked her about my medication, and she said that everything will have to be ordered. I told her that I needed my medication and that everything was in my personal property, and if they brought it in there I would have the medication, that I needed. She left the room and about 20 to 30 minutes later, she came back and said that they could not find my property anywhere, and then she left. I did without my medications for a week; I never did receive all the medications that I needed, I remained in the infirmary until the 23rd of January.

Claim # 10

On the morning of the 23rd of January 2016, I had another heart attack, this was at 6:30. At 6:40, I informed nurse oliphant that I was having a heart attack and I asked her about getting my medication. She refused to give it to me and said that she would make her rounds later. I kept getting worse and at 7:00, I again, told nurse oliphant that I was having a heart attack and asked her about informing the nurse practitioner or the doctor. She told me that the doctor was on the way and for me not to worry about it, even though I had not seen her tell anyone or call anyone. Several minutes later, I again, told nurse oliphant about me having a heart attack and I asked her about taking an E.K.G., take my blood pressure or do anything. She told me that she could not do anything, not until a doctor tells her what to do. I asked her about getting the nurse from up front, and she told me that she was a nurse. I asked her to at least call the doctor and inform him what is going on. All she did was say, "that the doctor was on the way." Then she told me to, "just go and lie down and make it easy on myself". She then went up front, to the clinic; just left me standing in the doorway, not doing anything for me.

I then laid down on the bed for a few minutes, until I felt my chest tighten up and I felt my heart stop. I sat up and the defibrillator in my chest fired. I got up and went to the door and the defibrillator fired again. I called out that my defibrillator was firing and that I needed help. The defibrillator fired several more times and I kept calling out for help. None of the nurses came back there to where I was at. The only thing the nurses did was send the M.D.N.C. guard

back to where I was and locked me up in the room that I was in, and then she went back up front to the clinic. This was about 7:30. that morning. At around ten o'clock that morning, Nurse Oliphant, started making her rounds, passing out medication, and checking everyone's vital signs (temperature, blood pressure, heart rate, ect.). When she came to my room, she had the M.D.O.C. guard unlock my door, so she could come in. When she entered the room, I asked her if she was ever going to call the doctor and to call for me an ambulance. She came right back with the reply, "I drive the ambulance around here and you don't worry about it." She then sat my medication on the top of a nightstand that was in the room, and then she checked my pulse rate; it was 130. She checked my blood pressure, and it was 248/180. She then jerked the blood pressure cuff off of my arm and said that this can't be right. She then left out of the room and stayed gone for about 10 minutes, while she was gone, I administered another nitro-stat to myself. When she returned, she then checked my blood pressure again, with another blood pressure cuff, and it was 186/101. She removed the cuff and she started to leave and I made the statement, "That nitro-stat brought my blood pressure down, didn't it". She stopped in her tracks and turned around and her mouth was wide open. When she was able to speak, she asked me, "Where in the ~~hux~~ did you get any nitro-stat from?" When I did not answer her, she then asked me, "Did someone bring that nitro-stat in here for you?" I told her yes, and when I said that, she started looking around like she was totally lost and confused. After about a minute or so, she left the room and went back up front, not saying anything else or doing anything for me.

A few minutes later, I laid back down and sometime later on, I heard talking outside the room and I got up and went to the door, and I saw nurse Oliphant and Dr. Stokes with another inmate on the other side of the infirmary. This was around 11:30. I went and laid back down to wait for them to come to my room, but they

never came. It had gotten quiet and I got up and looked out but, I could not see anyone. A little while later, I laid back down to wait. Nurse Oliphant finally came to my room, and when she came in I asked her if she was ever going to do anything about me having a heart attack. She then said that the doctor is here now and he is up front doing chronic care, she then left out of my room and I heard her when she went back up front telling someone about me having a heart attack. When she left out, I got up and went to the door and looked out and it was 1:50 at this time. I laid back down and about 15 minutes later, nurse Oliphant and Dr. Stokes came into my room. Dr. Stokes asked me what was going on, and I told him about me having a heart attack, and I also told him about my internal defibrillator firing several times. He then asked when did this happen, and I told him at 6:30 that morning. He looked at me and asked again, what I mean is, when did you start having a heart attack? I then looked straight at him and I repeated that I started having a heart attack at 6:30 that morning. He checked my heart rate and it was still over a hundred and he asked me a couple more questions, then he and nurse Oliphant left out of the room. A few minutes later nurse Oliphant came back into the room and told me to get dressed, that Dr. Stokes was sending me right out. She also made the comment, "see, I told you the doctor was on the way".

When the ambulance arrived, I was then transported to Merit Health Central Hospital. We arrived in the hospital emergency room at 3:10 P.M.

After the hospital staff checked me out, and found that I did in fact have had a myocardial infarction, I was then admitted to the Intensive Coronary Care Unit of Merit Health Central Hospital.

It is my belief, from the course of events that had transpired that this act was a deliberate and blatant attempt to the deprivation of my life and I also have reason to

believe that these events was the result of a conspiracy involving M.D.O.C. officials and the nursing staff at C.M.C.F.

Claim # 11

On the 6th of October 2015, I was transported from Parchman to Merit Health Central Hospital in Jackson, MS. because of a myocardial infarction. From there I was transported to C.M.C.F., and have been here since then. On several occasions, I tried to obtain pen and paper from the law library, but was denied each time. During this time, I was having some serious medical complications that led up to the events that transpired on the 23rd of January 2016.

After that I made several attempts to obtain pen and paper, so I could file an A.R.P., but was denied each time. I had to beg, bum and borrow enough paper to file an A.R.P. This A.R.P. was filed on the 25th of February 2016. I received notice two weeks later that I had not requested any relief sought. I again had to obtain enough paper to file a revised ARP, because the law library still refused to furnish these materials. This revised A.R.P. was filed on May 5th 2016. This A.R.P. was immediately rejected by Mr. Richard Pennington, because of a time lapse issue. I received notice of this on the 18th of May 2016. I wrote Mr. Pennington trying to explain the seriousness of this A.R.P., and the fact that I was still having serious medical issues. I received a response from Mr. Pennington on the 10th of June 2016, stating that this issue was rejected and that it would remain rejected. I then sent Mr. Pennington a letter on June 27, 2016, inquiring if I had exhausted all my options for remedy and relief. Since that time Mr. Pennington has refused to respond.

Being an indigent inmate with no means to obtain supplies, and being denied pen and paper, that this was a deliberate attempt on the Part of M.D.O.C. to block my access to the A.R.P. program, block my access to the courts and my right to redress,

V. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

I have sustained severe, permanant and irreversible damage
to my heart because of the deliberate indifference and
the gross negligence of the medical staff at M.D.O.C.

In February of 2016, I eventually received a CRT-D (a
cardiac resynchronization therapy — defibrillator) that
originally was not approved of in January of 2016.

VI. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

Find in my favor on each and every one of these claims that are
listed and award me compensatory damages in the amount of
fifty million dollars and punitive damages in the amount of
four hundred and fifty million dollars. This relief is requested
See next page

VII. Exhaustion of Administrative Remedies Administrative Procedures

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted."

Administrative remedies are also known as grievance procedures. Your case may be dismissed if you have not exhausted your administrative remedies.

due to the permanent and irreversible damage done to my physical body by M.D.O.C.'s negligence. Because I now suffer every day of my life, and I will suffer every day for the rest of my life,

A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

☒ Yes

☐ No

If yes, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

Central Mississippi Correctional Facility

3794 Hwy 468

Pearl, Miss 39208

B. Does the jail, prison, or other correctional facility where your claim(s) arose have a grievance procedure?

☒ Yes

☐ No

☐ Do not know

C. Does the grievance procedure at the jail, prison, or other correctional facility where your claim(s) arose cover some or all of your claims?

☐ Yes

☒ No

☐ Do not know

If yes, which claim(s)?

D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose concerning the facts relating to this complaint?

☒ Yes

☐ No

If no, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

☐ Yes

☒ No

E. If you did file a grievance:

1. Where did you file the grievance?

At Central Mississippi Correctional Facility

2. What did you claim in your grievance?

Deliberate indifference and the gross negligence
of the medical staff at M.D.C. for their
un-ethical violation of medical procedures
and ~~practices~~ practices

3. What was the result, if any?

my A.R.P. was rejected

4. What steps, if any, did you take to appeal that decision? Is the grievance process completed? If not, explain why not. (Describe all efforts to appeal to the highest level of the grievance process.)

See attached exhibits of the A.R.P. and rejection
notices and ~~reconsider~~ reconsideration letter.

F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here:

N/A

2. If you did not file a grievance but you did inform officials of your claim, state who you informed, when and how, and their response, if any:

N/A

G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies.

See attached exhibits of the ARP and resection
notices.

(Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.)

VIII. Previous Lawsuits

The “three strikes rule” bars a prisoner from bringing a civil action or an appeal in federal court without paying the filing fee if that prisoner has “on three or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.” 28 U.S.C. § 1915(g).

To the best of your knowledge, have you had a case dismissed based on this “three strikes rule”?

☐ Yes

☒ No



STATE OF MISSISSIPPI
DEPARTMENT OF CORRECTIONS
MARSHALL FISHER
COMMISSIONER

Ronald King, Superintendent
Central Mississippi Correctional Facility

Post Office Box 88550
Pearl, Mississippi 39208
(601)932-2880

February 29, 2016

Inmate Charles Bates #112301
CMCF 720/B, A zone, bed 97

RE: YOUR REQUEST FOR ADMINISTRATIVE REMEDY

Your request for administrative remedy has been received by this office and is being returned for the following reason(s):

_____ (1) Your complaint is unclear. You need to include more specific information in your correspondence. *

 x (2) You did not specify any relief sought

fk

If you wish to resubmit your corrected request/complaint, you may do so, provided that it is timely and according to proper procedure.

Sincerely,

A handwritten signature in cursive script, appearing to read "Raniece Ma".

Raniece Matthews, Investigator I
Administrative Remedy Program

MISSISSIPPI DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REMEDY PROGRAM

RECEIVED

MAY 05 2018

CASE NUMBER

INMATE LEGAL
ASSISTANCE PROGRAM

FROM: Charles Bates
INMATE NAME

112301
MDOC #

CMCF B-1 - 09
UNIT

DATE: 5-1-16

RECEIVED OF ARP filed on
2-25-16

MAY 06 2016

THIS IS A REQUEST FOR ADMINISTRATIVE REMEDY

CMCF - ARP

On the 6th of January 2016, I went to the clinic at CMCF having a heart attack. I was transported to Merit Health Central Hospital E.R. I was admitted to the hospital because of this coronary event. I was released on January 12th and returned to CMCF. Upon arriving at CMCF, I was placed in the infirmary because as the nurse practitioner stated "If you have another heart attack, you will be over here so we can 'Take Care of You'."

On the morning of January 23rd, I did in fact have another heart attack. I asked the nurse about getting my medication and she refused to give it to me, stating that she would make her rounds later. This was at 6:40 AM. My condition kept getting worse and around 7:00 AM. I again informed nurse Oliphant that I was having a heart attack. She informed me that the doctor was on the way and for me not to worry about it, even though she had not informed anyone or called anyone. Around 7:15 AM, I again informed nurse Oliphant that I was having a heart attack and I asked her if she could run an EKG, take my blood pressure or do anything. She said that she could not do anything, not until a doctor tells her what to do. I asked her if she could at least call the doctor and tell him what is going on and all she said was, that he was on his way. She also told me to just lay down and make it easy on myself. She then went up front; just left me standing in the doorway, not doing anything for me.

I laid down for a few minutes, and all of a sudden I felt my chest tighten up and my heart stop. I sat up and all of a sudden, the defibrillator in my chest fired. I got up and went to the door and the defibrillator fired again. I called out saying that my defibrillator was firing and that I needed help. No one came back to where I was at. The defibrillator fired several more times and I kept calling out for help, in fact, begging for help, and no one came to help me. The only thing the medical staff did was send the M.D.C. guard to the back and she locked my door and she then went back up front. The medical staff did

nothing, except have me locked up in a room and wait and hoping that I would die.

Around 10:00 A.M. nurse Oliphant started making her rounds passing out medication. The guard came and unlocked my door. When nurse Oliphant came into my room to give me my medication, I asked her if she was ever going to call the doctor and call for me an ambulance. She came right back and informed me that she drove the ambulance around here and for me not to worry about it. She then took my blood pressure. My blood pressure was $248/180$. She then snatched the blood pressure cuff off my arm and said that this can't be right. She then left out of my room to go get another cuff. When she left out, I took another NitroStat. She came back into my room about 10 minutes later and took my blood pressure again and it was $186/101$. She then started to leave and I made the statement that that NitroStat brought my blood pressure down, didn't it. When I said that, she stopped and turned around and I thought that her face was about to fall off. Her mouth fell wide open. When she was able to speak, she asked me "Where in the hell did you get any NitroStat from." When I did not answer, she then asked me if someone had brought that NitroStat in there to me. I then told her yes. When I said that, she looked totally lost and confused. After about a minute or so she regained her composure and walked out, leaving me just sitting in a chair, not doing anything else for me.

Around 11:30 A.M., Dr. Stokes came into the infirmary. Then he and nurse Oliphant started going around to see everyone in the infirmary ~~www~~ every one except me. I laid back down waiting for them while listening to them with other inmates when all of a sudden everything was quiet again. I looked out the door and they had all went back up front.

Around 1:45 P.M. nurse Oliphant came into the room where I was and I asked her if she was ever going to do anything about me having a heart attack. She then informed me that the doctor was here now and that he was up front doing chronic care. (She was making it sound like he had just arrived when I know for a fact that he had been there for at least two hours.) She left out and I heard her, when she got back up front to the clinic, saying out loud about me having a heart attack. About 15 minutes later, Dr. Stokes came in and asked me what was going on. I told him what had happened and about my defibrillator firing about 10 times. He wanted to know when all this started happening and I told him about 6:30 that morning. He asked again about when did I start feeling pain and when did I start having a heart attack. I told him again, more distinctly, that it started at 6:30 that morning. It was around 2:00 P.M.

(✓)

at this time. He asked a few more questions concerning this and then he and nurse Oliphant walked out. A few minutes later, nurse Oliphant came back in the room and told me to get dressed, that Dr. Stokes was sending me right out. Then she made the stupid comment "See, I told you the Dr. was on the way", (when he came in to see me 8 hours later?).

The ambulance arrived and I was transported to Merit Health Central Hospital. I arrived in the hospital Emergency Room at 3:10 P.M. - 8 hours and 40 minutes after the onset of this heart attack. After the necessary test confirmed that I did in fact have had a myocardial infarction, I was then admitted to the Intensive Coronary Care Unit of Merit Central Hospital.

The point being, when I am intentionally and deliberately denied medical treatment and refused access to medical treatment in a life threatening situation; instead I was locked up in a room, left on my own, while the medical staff was waiting for me to die. The medical staff and the security staff at Central Mississippi Correctional Facility brought a new meaning to the phrase "So we can take care of you." Not only was this act cruel and sadistic, what they did to me was inhumane.

This was not the first time that I have been denied medical treatment when it was life threatening. This has happened on several other occasions; ~~also~~, because of the incompetence and the gross-negligence of the staff at C.M.C.F. and also the medical staff at C.M.C.F. Also, when I have received medical treatment, it has been after excessively long delays. Delays ranging anywhere from 3 hours to 10 hours. Because of these excessively long delays or not receiving any medical treatment, this has resulted in severe, permanent, and irreversible damage to my heart.

It all started on October 2ND 2009, when I was jumped on by some gang members in building A-2, for no reason, causing me to have a massive heart attack. I made several attempts to get to the clinic because of this and the officer would not let me out of the zone. She finally called Capt. Leon Shields to come to the building after shift change. He came into the building and went straight to the tower. After about 10 minutes, he came out of the tower and I was telling him that I was having a heart attack and that I needed to get to the clinic. All he did was come back with a racial remark and then walked out of the building. What he said was "You ~~are~~ ~~so~~ ~~smart~~ ~~prejudiced~~ ~~stupid~~", which was totally uncalled for.

I again started making request to the tower officer about getting to the clinic until finally she asked me if I could make it over there,

and I told her that I didn't think that I could make it. She called over to the clinic to have them to come and get me. Finally after about another hour, an inmate came to the building with a wheelchair and finally carried me over to the clinic and put me in the hallway. I sat in the hallway for over an hour until a nurse finally came by and I told her that I was having an M.I. She looked at me for a minute or two before it finally sank in as to what I had said. She then went to the door of the emergency room and told whoever was in there that she needed this room to run an EKG on someone. She then went up front and sat down at a desk and started doing paperwork. After about another 15 minutes, she looked down the hall and I was still sitting there. She then finished up what she was writing and came back to the E.R. I then followed her in and laid down on the gurney and she then ran an E.K.G. on me. She tore the strip off the machine and looked at it and she said out loud "My God, this doesn't look good". She then ran out of the room and less than a minute later, she came running back into the room and she said that the doctor said to get you out of here now; to transport you immediately. She then called for an ambulance. When the ambulance arrived, I was then transported to Central Mississippi Medical Center.

Upon arriving at C.M.M.C., they ran an E.K.G. and the technician took the strip to the E.R. physician. All of a sudden he and several nurses came running into the room where I was at. The doctor asked me some questions and then he left the room. A few minutes later the hospital staff was running down the hall with me to get me into the heart cath lab. Later, I was moved to the Intensive Coronary Care Unit. The next morning, Dr. Carl Payment, came into the I.C.U. sounding pretty upset, saying "You reported this at 5:40 AM and it was 11:30 before you arrived here. What in the hell took those ~~damn~~ people that long to get you into this hospital.". He also said that because of this long delay that there was a ~~hell~~ lot of damage done to my heart. The truth being that it took so long was because of Leon Shields and his racial comments; I didn't have the right skin color. It took about 4 hours before I finally got to the clinic on Oct 2nd 2009.

When I was released from the hospital, I was transported back to C.M.C.F. and was placed in building C-2 on C zone. When I arrived back at C.M.C.F. I started making complaints about those gangsters in A-Z building jumping on me; causing me to have a heart attack, and the officers of M.D.O.C. did nothing, but protect them.

In 2010, I went to the clinic requesting that my medication to be increased to a larger dosage. The nurse practitioner informed me that there was nothing wrong with me and I did not need the medication that I was getting. I then requested the services of a

Surgeon because of a large hernia that I have. About 2 weeks later, I went to see a surgeon and he agreed that I definitely needed to get this hernia repaired. He also stated that he would not touch me; not until I was thoroughly checked out by a heart specialist. I was later admitted to CMMC, to have test done on my heart. After a heart stress test and a nuclear scan of my heart, it was determined that my heart only had an efficiency factor of 24%. All because of the damage done to my heart on October 2ND 2009. I was then scheduled to have an Implantable cardioverter-defibrillator (pacemaker) implanted. This occurred in Oct. 2010.

In June of 2014, I was again jumped on by another inmate, named Tommy Davidson; the result of this assault, again caused me to have another heart attack. I became unconscious and when I regained consciousness I eventually got over to the clinic that night. I told the nurse on duty that she needed to run an E.K.G. on me because I was having a heart attack. When she finally ran an E.K.G. it showed my heart was in tachycardia, it showed a blockage, showed an enlarged right atrium, and I don't remember what all else. She did not want to believe it. She said that I had moved. She then ran another E.K.G. and it showed the same thing. Again she did not want to believe it and said that I was talking. She then ran yet another E.K.G. and it still showed the same thing, that I was having a coronary episode. All she did was to say that the machine can't be right and she left out of the room. About an hour later, I had to go to the restroom, and when I walked by the nurses desk, she and the M.D.C. officer was just sitting at their desk, talking back and forth. When I came out of the restroom, I stopped at the nurses desk and I asked her if she was going to do anything about me having a heart attack and she said that I did not come over there for that. My E.K.G. was laying on the desk and I asked her about my heart in tachycardia and she said that was because my heart was beating fast. and there was nothing wrong. I looked at her and I asked her "lady just how damn stupid are you. I then went on back to the emergency room. A little while later, (about 15 minutes) Capt. Mitchell came to the room and I told him what was going on and I asked him to have the nurse call the doctor, have her to call an ambulance, before I sit here and fall over dead. He then left and I guess he had a few choice words with the nurse because she came in and hooked me up to oxygen and I told her my size, for a jumpsuit. A little while later the ambulance arrived. and before I could get on their gurney, she had the E.M.T.'S to run an E.K.G. on me. Again it was showing the same thing. I was then transported to C, M, M, C. Upon arriving in the Emergency room, I was given several different intravenous drugs to get my heart rhythm back to normal. I was then admitted to the hospital. During this hospital stay, I under went another heart stress test and had another nuclear scan of my heart, along with other test. It was determined

From these test, that the efficiency factor of my heart was down to 10% because of this coronary episode. Since that time, I have had 8 more heart attacks because of all the damage to my heart. Also, since that time, I have on several occasions been refused medical treatment, been refused access to medical treatment, and when I have received medical treatment, it has been after excessively long delays; All leading up to the heart attack that I had on the morning of the 23rd of January 2016, when I was refused medical treatment and locked up in a room for several hours, while the medical staff was up front in the clinic, waiting for me to die.

Because of all the damage to my heart caused by inmates belonging to the Mississippi Dept of Corrections, the incompetence of the personnel of M.D.O.C., and the incompetence and the gross-negligence of the medical staff of the Mississippi Dept. of Corrections, I request and I am entitled to the following relief:

- ① To be evaluated for a left ventricle assist device (heart assist pump) to be implanted to help compensate for all the severe, permanent, damage that has been done to my heart.
- ② Monetary compensation for damages: both actual and punitive.
- ③ To be evaluated for a medical release; if not a medical release, a serious time reduction in my sentence.
- ④ Anytime that I have a level 1 medical emergency (anything that is life threatening), or any other medical emergency, I am to be transported to a hospital, without question and without delay.
- ⑤ Names of all Centurion of Mississippi employees working in the clinic and infirmary at C.M.C.F. on the morning of January 23rd 2016.
- ⑥ Name of the guard (s) employed by M.D.O.C. that was working in the clinic at C.M.C.F. on the morning of January 23rd 2016.
- ⑦ Criminal charges filed against the medical staff that was working in the infirmary and clinic at C.M.C.F. on the morning of January 23, 2016, for attempted murder.
- ⑧ Criminal charges filed against the medical staff that was working in the infirmary and clinic at C.M.C.F. on the morning of January 23, 2016, for conspiracy to commit murder. (And yes, I can prove it.)

- (9) criminal charges against the M.D.O.C. guard(s) working in the clinic on the morning of January 23, 2016 for attempted murder.
- (10) criminal charges against the M.D.O.C. guard(s) working in the clinic on the morning of January 23, 2016 for conspiracy to commit murder.
- (11) Date on which the medical provider for M.D.O.C. changed over from Wexford Healthcare to Centurion of Mississippi.
- (12) The name of the inmate that was on bed #284 in building A-2 on the morning of October 2ND 2009.

Respectfully submitted
Charles Bates

RECEIVED

MAY 05 2016

INMATE LEGAL
ASSISTANCE BRANCH

CODE: 199

ARP-1

MISSISSIPPI DEPARTMENT OF CORRECTIONS
Administrative Remedy Program

CMCF-16-1304

First Step Respondent: N/A
Location: N/A

Offenders' Name and No.: CHARLES BATES #112301
Unit: CMCF 720/B

Date of incident: 1.6.16

OT - 5

☐ **ACCEPTED:** This request comes to you from the Legal Claims Adjudicator. See the attached request from the offender. **Please return your response to this office within 30 days of this date.**

☒ **REJECTED:** Your request has been rejected for the following reason(s):

☐ Relief is beyond the power of the Mississippi Department of Corrections to grant

☐ The complaint concerns an action not yet taken or a decision which has not yet been made

☐ There has been a time lapse of more the fifteen (15) days between the RVR(s) and the initial request:

Incident happened on & received in this office on .

☒ There has been a time lapse of more the thirty (30) days between the event and the initial request:

Incident happened on 1.6.16 & received in this office on 5.6.16.

☐ The Mississippi Department of Corrections does not handle Parole Board/Probation matters

☐ Other:



Director of Administrative Remedy Program



Date

RECEIVED

JUN 08 2018

Mrs. Pennington

This is a response to the reject notice that I received on 5-18-16, referring to the revised copy of the ARP that I had filed on the 25th of February 2016. First of all you stated that this was referring to an incident that happened on 1-6-16; it is not. The incident that the ARP is referring to occurred on the 23rd of January 2016. Whereas I was eventually hospitalized and eventually, from a course of events, I was finally discharged from the hospital on the 10th of February 2016.

On the 25th of February 2016, (15 days after I was released from the hospital), I submitted an ARP about the events that occurred on this day but, I did not specify the relief sought. I received a notice from your office about this, about 2 weeks later. The notice was dated 2-24-16, but, I did not receive it until about 10 days later. Because of the seriousness of this ARP, a lot of thought and research went into this, and I filed a revised ARP on 5-5-16, to supplement the ARP that was filed on the 25th of February 2016. This is the ARP that I received the rejection notice about. Not only is this an ARP, but we are talking about a series of crimes that was committed; very serious crimes. First of all, refusing me medical treatment when it was life threatening. Also denying me access to medical treatment when it was life threatening. Let me also say this, that it is a proven medical fact, that one third of people die from their first heart attack for one very simple reason; They waited too long before seeking medical attention. Let me also say this, that from the time that I attended nursing school and worked in hospitals, there have been a lot of wonderful advances in cardiac care. Advances in medicines, heart catheterization with the use of angioplasty and stents, coronary artery by-pass grafts, and a whole host of other treatment options for someone having a heart attack; but I can very well assure you, that being locked up all day in a 10'x12' room with cement walls and a steel door, is NOT one of them. The only reason the medical staff did this to me, is that they intended for me, to die.

The truth is, I can prove intent, I can prove that this act was premeditated, I can prove opportunity, I can prove motive, and I can also prove that this act was the result of a conspiracy.

I can only request and ask that you reconsider your decision on the reject notice that I received on the revised, supplement ARP that was filed on the 5th of May, by making this reject notice null and void.

Should you choose to stand by your decision, then I will be forced to seek relief through other channels. I will say this, that there is a lot more to this ARP than what I wrote in it, a lot more. I will be waiting for your reply regarding this matter.

CMCF-16-1304

Respect fully
Charles Bates

112301



STATE OF MISSISSIPPI
DEPARTMENT OF CORRECTIONS
MARSHALL FISHER
COMMISSIONER

Jerry Williams
Deputy Commissioner

Institutions
(601) 359-5610

June 08, 2016

Inmate: Charles Bates #12301
CMCF 720

Re: Your correspondence was received by the MDOC's Director of Administrative Remedy Program's office on June 08, 2016.

Your correspondence on the above date to me was forwarded to this office for a response.

Your letter concerning medical issues was addressed by the ARP office at CMCF in CMCF-16-1304. It was rejected for time. Policy and procedure dictates that an inmate must submit an issue within (30) thirty days of the event. By your own admission of the dates you've provided in this letter you are well outside the allotted time frame. The issue was and will remain Rejected.

Sincerely,

Richard Pennington, Director
Administrative Remedy Program

PC: RP
File

June 27, 2016

Mr. Pennington,

This is a response to the letter that I received from you that was dated June 8, 2016, stating that my A R P has been and will remain rejected because of a time frame issue. You stated that I have to submit an issue within (30) thirty days of the event. I have in my possession, a copy of this A R P that was stamped in your office showing that this A R P was originally filed and received on February 25, 2016. Also, whenever there is a medical condition involved, that medical condition has precedence over any law, rule, or regulation; but this A R P is still being rejected by you.

The one question that remains; Have I exhausted all my options for remedy and relief according to the Administrative Relief Program, concerning the situation, when an attempt on my life occurred by the staff of the Mississippi Dept. of Corrections, and by the medical staff that was working at Central Mississippi Correctional Facility on January 23rd 2016.

Thank You

Charles Bates 112301

If so, state which court dismissed your case, when this occurred, and attach a copy of the order if possible.

N/A

A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

☐ Yes

☒ No

B. If your answer to A is yes, describe each lawsuit by answering questions 1 through 7 below. *(If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)*

1. Parties to the previous lawsuit

Plaintiff(s) N/A

Defendant(s) _____

2. Court *(if federal court, name the district; if state court, name the county and State)*

N/A

3. Docket or index number

N/A

4. Name of Judge assigned to your case

N/A

5. Approximate date of filing lawsuit

N/A

6. Is the case still pending?

☐ Yes

☒ No

If no, give the approximate date of disposition. _____

7. What was the result of the case? *(For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)*

N/A

- C. Have you filed other lawsuits in state or federal court otherwise relating to the conditions of your imprisonment?

☐ Yes

☒ No

- D. If your answer to C is yes, describe each lawsuit by answering questions 1 through 7 below. *(If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)*

1. Parties to the previous lawsuit

Plaintiff(s) N/A

Defendant(s) _____

2. Court *(if federal court, name the district; if state court, name the county and State)*

N/A

3. Docket or index number

N/A

4. Name of Judge assigned to your case

N/A

5. Approximate date of filing lawsuit

N/A

6. Is the case still pending?

☐ Yes

☒ No

If no, give the approximate date of disposition. N/A

7. What was the result of the case? (For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)

N/A

IX. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: _____, 20__.

Signature of Plaintiff Charles E. Bates
 Printed Name of Plaintiff CHARLES E. BATES
 Prison Identification # 112301
 Prison Address P.O. Box 88550
Pearl Miss. 39288
 City State Zip Code

B. For Attorneys

Date of signing: _____, 20__.

Signature of Attorney _____
 Printed Name of Attorney _____
 Bar Number _____
 Name of Law Firm _____

Address

Telephone Number

E-mail Address
